

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION

MDL NO. 3:16-md-2738-FLW-LHG

JUDGE FREDA L. WOLFSON
MAG. JUDGE LOIS H. GOODMAN

THIS DOCUMENT RELATES TO:

Civil Action No. 3:18-cv-01462-FLW-LHG

*GUILDA CLAVETTE v. JOHNSON &
JOHNSON, et al.*

**UNOPPOSED MOTION FOR SUBSTITUTION OF PLAINTIFF UNDER RULE 25(a)(1)
AND FOR LEAVE TO FILE AMENDMENT OF COMPLAINT TO ASSERT SURVIVAL
AND WRONGFUL DEATH CLAIMS**

Erik Clavette, as the Administrator of the Estate of Guilda Clavette, moves the Court for an Order substituting him as the plaintiff in this action and granting him leave to file the Amended Complaint asserting claims for wrongful death and survival. Erik Clavette should be duly substituted as plaintiff in this action under the provisions of Rule 25(a)(1) of the Federal Rules of Civil Procedure because:

1. Guilda Clavette, decedent, commenced this action on February 1, 2018, before her death. (Dkt. 1.)
2. Decedent Guilda Clavette died on June 24, 2019, due to injuries caused by the negligent acts and omissions as alleged in her original Complaint. (Dkt.1) Decedent is survived by her two children, Erik Clavette and Gerry Clavette. Notice of and Suggestion of her death was filed with this Court on August 18, 2020.
3. Under New Hampshire law, N.H. REV. STAT. § 556:12, a civil action for wrongful death shall be brought by the administrator of the decedent. Erik Clavette is the administrator of the Estate of Guilda Clavette.

4. Pursuant to New Hampshire law, the claims made by Guilda Clavette against Defendants herein survive her death. N.H. REV. STAT. § 556:10. Under that law, the claims against the Defendants may be prosecuted by the administrator of the deceased. The administrator of the deceased party may pursue damages for wrongful death. N.H. REV. STAT. § 556:12.

5. This motion to substitute is timely as it is brought within two years of the death of Guilda Clavette. N.H. REV. STAT. § 556:10.

6. A proposed First Amended Complaint alleging survival and wrongful death claims is attached hereto as **Exhibit A**.

7. Plaintiff's counsel has met and conferred with Defendants' counsel, who has indicated Defendants do not oppose the motion.

8. This motion is timely in that the deadline for the administrator of the deceased party to file a motion for substitution of parties is not expired.

DATED: August 21, 2020

Respectfully Submitted,

THE HANNON LAW FIRM, LLC

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**DULY AUTHORIZED SIGNATURE OF
KEVIN S. HANNON ON FILE AT THE
HANNON LAW FIRM, LLC**